

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DUSTIN J. LEACH,)
Plaintiff)
v.) No. 3:12-1065
DONNIE YOUNG,) Judge Trauger/Bryant
Defendant)

TO: THE HONORABLE ALETA A. TRAUGER

REPORT AND RECOMMENDATION

On December 4, 2014, the Court granted Plaintiff's motion for leave to proceed *in forma pauperis* and directed the Clerk to send to Plaintiff a service packet (a blank summons and USM-285 form) for the Defendant. Plaintiff was ordered to complete this service packet and return it to the Clerk's office within 20 days of the receipt of the order (Docket Entry No. 10).

On January 17, 2013, after Plaintiff had failed to return the completed service packet as ordered, the undersigned Magistrate Judge entered an order directing Plaintiff Leach to show cause on or before Monday, February 4, 2013, why his complaint should not be dismissed for failure to comply with the order of the Court requiring his return of the completed service packet. Despite this order, Plaintiff Leach has neither returned the completed service packet nor otherwise responded to this order to show cause.

For the reasons stated above, the undersigned Magistrate Judge finds that Plaintiff's complaint should be dismissed for his

failure to return the completed service packet as ordered, and his failure otherwise to prosecute his action.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge recommends that Plaintiff's complaint should be DISMISSED pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has **14 days** from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have **14 days** from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within **14 days** of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140 106 S. Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*, 474 U.S. 1111 (1986).

It is so ORDERED.

/s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge